

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ALVERENE BUTLER,,)
Plaintiff,)
v.)
ALABAMA DEPARTMENT OF) CASE NO. 2:06-cv-00278-MEF-CSC
TRANSPORTATION, *et al.*,)
Defendants.)
STATE OF ALABAMA)
COUNTY OF MONTGOMERY)

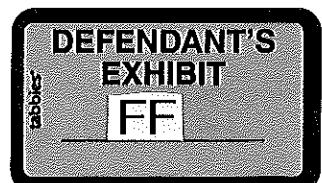
SECOND AFFIDAVIT OF MARK T. WAITS

Before me, the undersigned Notary Public in and for the State of Alabama at large, this day personally appeared Mark T. Waits, who being known to me and being by me first duly sworn, deposes and says on oath as follows:

“My name is Mark T. Waits. I am a resident of Pike County, Alabama, am over the age of nineteen years, and have personal knowledge of the facts set forth in this affidavit.

“I am employed by the Alabama Department of Transportation as a District Engineer. The Plaintiff was employed as an Engineering Assistant in my district. As District Engineer, I am involved with the filling of vacant positions in my district.

“I have reviewed the Plaintiff’s deposition, the Plaintiff’s Response, and the affidavit of Melvin Wynn. I have also reviewed records involving the filling of vacant Civil Engineer (renamed Transportation Technologist or ‘TT’) positions in my district. Wynn references two Civil Engineer/TT positions that ‘came open.’ One of those was purportedly filled by a ‘white male.’ The other was purportedly offered to Karen Stacey.



“I do not have sufficient information to investigate the assertion regarding the ‘white male.’ I have, however, reviewed the records regarding the position for which Ms. Stacey interviewed.

“All positions are assigned ‘PCQ’ numbers. The PCQ number is used to track activity regarding a particular position. The position for which Ms. Stacey interviewed was assigned PCQ number 1735788.

“Attached hereto as ‘Attachment A’ is the Certificate of Candidates received from the State Personnel Department for the position of Transportation Technologist, PCQ number 1735788.

“ ‘Attachment A’ reflects that Karen Stacey was number two on the Certificate of Candidates. The column headed ‘ACT’ reflects the action taken with regard to Ms. Stacey. The action code is ‘C’ which means that she was considered for the position.

The eighth name on the Certificate of Candidates is that of Jeffery L. Hollingsworth. The ‘ACT,’ or action, column reflects an action code of ‘A’ which means that Mr. Hollingsworth was appointed to the position of Transportation Technologist, PCQ number 1735788 on May 14, 2005. The ‘Race’ column reflects a code of ‘2,’ which means that Mr. Hollingsworth was of the black race.

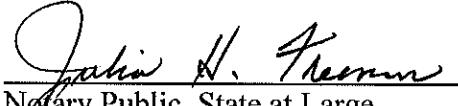
“ ‘Attachment A’ does not contain the name of Alverene Butler. To the best of my knowledge, I have never received a Certificate of Candidates for the position of Civil Engineer/Transportation Technologist that contained Ms. Butler’s name. In appointing individuals to fill the position of Civil Engineer/Transportation Technologist, my choices are

limited to the names appearing on a properly certified 'Certification of Candidates' as received from the State Personnel Department."



MARK T. WAITS

SWORN TO AND SUBSCRIBED before me on this the 5 day of
March, 2007.



John H. Freeman
Notary Public, State at Large
My Commission Expires 08-07

DATE
09/28/2004CERTIFICATION OF CANDIDATES
Case 2:06-cv-00278-MEF-CSC Document 34-3 Filed 03/06/2007 Page 4 of 11CERTIFICATION NUMBER
040600048
LPE 5/23/05

DEPARTMENT IDENTIFICATION (DEPT./DIV.)		CLASSIFICATION (CODE/TITLE)			CLASS/OPTION (CODE/TITLE)				PAGE
HWY TRANSPORTATION 6 6TH DIVISION - MONTGOMERY		20481 TRANSPORTATION TECHNOLOGIST			438 CONSTRUCTION				1
REGISTER TYPE	EMPLOYMENT TYPE	COUNTY	VACANCIES	RACE	AGE LIMIT	SEX	O/N TRAVEL	SHIFT WORK	SALARY
1 CONTINUOUS OPEN-COMP	1 PERMANENT	51 MONTGOMERY	3				N	1	1,041.50
METHOD OF CERTIFICATION		POSITION NUMBERS				SELECTIVE CERTIFICATION CODE			
01 MERIT SYSTEM PLUS TIES		1735787	1735788	2115300					040600048/R
SSAN	NAME AND ADDRESS			RACE	V.P.	GRADE	ACT.	POSITION NO. OF APPT.	APPT. DATE
417279137	BECK STEVEN B 5262 SPRINGHILL ROAD BRANTLEY AL 36009			1		76.09	H		
4 907493	STACEY KAREN F 2191 MARSHELL RD WETUMPKA AL 36093			1		65.23	C		
424986013	MULLINS MICHAEL G 424 HERITAGE PARK GUIN AL 35563			1		43.04	F		
419086403	SMITH PETER J 401 BOYD RD SHORTER AL 36075			2		42.55	R		
253331522	FRANKLIN CHARLOTTE A 203 POND CREEK ROAD LUVERNE AL 36049			1		42.15	H		
416789188	LAMBERTH SYLVIA W P.O. BOX 325 GULF SHORES AL 36547			1		41.26	F		
420829035	ARNOLD GLENN E 1812 PRIER DRIVE MARION AL 36756			1		40.47	H		
422111660	HOLLINGSWORTH JEFFERY L 403 EAST 9TH STREET TUSCUMBIA AL 35674			2		38.25	A	1735788	5-14-05 \$1330.90
417526315	SHANAHAN JOHN E JR 404 - 7044 HWY 49 S DADEVILLE AL 36853			1		37.84	C		
424173976	MCQUEEN MARLON R 5316 IRA LN MONTGOMERY AL 36108			2		37.38	L		
263397736	ENGLISH AUBREY L ROUTE 4 BOX 222-AA BREWTON AL 36426			1		37.21	L		

Promotion

Attachment A

CERTIFIED-PERSONNEL DIRECTOR

DATE CERTIFIED

CERTIFICATION RETURNED-APPOINTING AUTHORITY

DATE RETURNED

4/28/05

ORIGINAL

DATE
09/28/2004

Case 2:06-cv-00278-MEF-CSC Document 343 Filed 03/06/2007 Page 5 of 11

CERTIFICATION OF CANDIDATES

STATE OF ALABAMA

Personnel Department

CERTIFICATION NUMBER
040600048

DEPARTMENT IDENTIFICATION (DEPT./DIV.)		CLASSIFICATION (CODE/TITLE)			CLASS OPTION (CODE/TITLE)				PAGE
HWY TRANSPORTATION 6 6TH DIVISION - MONTGOMERY		20481 TRANSPORTATION TECHNOLOGIST			438	CONSTRUCTION			2
REGISTER TYPE	EMPLOYMENT TYPE	COUNTY	VACANCIES	RACE	AGE LIMIT	SEX	O/N TRAVEL	SHIFT WORK	SALARY
1 CONTINUOUS OPEN-COMP	1 PERMANENT	51 MONTGOMERY	3			N	1		1,041.50

METHOD OF CERTIFICATION		POSITION NUMBERS			SELECTIVE CERTIFICATION CODE				
01 MERIT SYSTEM PLUS TIES		1735787	1735788	2115300					

SSAN	NAME AND ADDRESS	RACE	V.P.	GRADE	ACT.	POSITION NO. OF APPT.	APPT. DATE
420828164	LECUYER ROGER A 80 CO RD 839 SELMA AL 36701	1		34.24	H		

CERTIFIED-PERSONNEL DIRECTOR



DATE CERTIFIED

9/28/04

CERTIFICATION RETURNED-APOINTING AUTHORITY



DATE RETURNED

4/28/05

ORIGINAL

IMPORTANT: SEE INSTRUCTIONS ON REVERSE SIDE



ALABAMA DEPARTMENT OF TRANSPORTATION

SIXTH DIVISION

OFFICE OF DIVISION ENGINEER

POST OFFICE BOX 8008

MONTGOMERY, ALABAMA 36110

Telephone: (334) 289-2311 FAX: (334) 289-2500



Bob Riley
Governor

Joe McInnis
Transportation Director

September 30, 2004

Jeffery L. Hollingsworth
403 East 9th Street
Tuscaloosa, AL 35674

Job Classification:	20481-Transportation Technologist -Const. Option
Biweekly Entrance Salary:	\$1041.50
Biweekly Salary Range:	\$1041.50 - \$1741.80
Location:	Montgomery County
Number of Vacancies:	3
Rank:	8

Dear Jeffery L. Hollingsworth:

Your name has been certified to us by the State Personnel Department for the classification shown above. You will note that we have indicated the entrance salary and salary range as well as the location of the position listed above. This is not an offer of appointment but is merely to determine your availability for employment consideration.

Please indicate your availability below and return this entire letter to Terri Hiley, Division 6 within ten days of the date of this letter.

Please check the statement that describes your situation.

If you indicate that you are available for appointment, include a current application or resume with this letter.

I am available for appointment.

I am not available, please remove my name from the list until further notice.

I am not available now, but will be available _____ (date).

I am not available at the location shown above but am available (list counties).

Address: City, State, Zip Code Tuscaloosa, Alabama, 35674, 403 East 9th Street
Telephone Numbers: Home (256) 694-0763 Work (256) 883-2970

Signature Jeffery L. Hollingsworth
Do you have any relatives, i.e., parents, spouse, sisters, brothers, cousins, in-laws, etc., currently employed by The Alabama Department of Transportation? YES NO

If you checked yes, please indicate the names of your relatives and their relationship to you:
(You may continue listing on the back of this letter if necessary).

Name of Relative:

Relationship to You:

Relative's Work Location:

The information regarding relatives is gathered only to ensure that a relative does not participate in the interview or selection process. Having a relative within the Department does not prevent you from being considered for or receiving an appointment.

Sincerely,

Terri C. Hiley
Transportation Office Mgr

1/13@ 10:00



ALABAMA DEPARTMENT OF TRANSPORTATION

SIXTH DIVISION
OFFICE OF DIVISION ENGINEER
POST OFFICE BOX 8008
1525 Coliseum Boulevard
MONTGOMERY, ALABAMA 36110
TELEPHONE: (334) 269-2311
FAX: (334) 263-2599

April 14, 2005



Bob Riley
Governor

Joe McInnes
Transportation Director

Mr. Jeffery L. Hollingsworth
4029 Apt. 3
Hunter's Ridge Drive
Huntsville, AL 35802

Classification:	Trans. Tech. - Const.
Biweekly Entrance Salary:	\$1041.50
Salary Range:	\$1041.50 - \$1741.80
Location:	Montgomery County
Vacancies:	3
Rank:	8

Dear Mr. Hollingsworth:

You have been approved to go to work in the Alabama Department of Transportation's Sixth Division District Three Office, 608 Chisholm St., Montgomery, Alabama, as a Transportation Technologist. The starting salary will be \$1330.90 bi-weekly. The effective date of your appointment is May 14, 2005. You are scheduled to report to work on Monday, May 16, 2005, at 8:00 a.m. You will report to Mr. Mark Waits, District Engineer, at the above address.

You will serve in the Transportation Technologist classification on a probationary (trial) basis for a period of six months during which time your work habits and job responsibilities will be carefully observed. If, during the probationary period, your services are satisfactory, you will receive full merit system status at the end of the six months.

Sincerely,

A handwritten signature in black ink, appearing to read "Estes".
Randall A. Estes, P. E.
Division Engineer

RAE/TCH
pc: File

04/15/2002 12:19 DOTDIU DIST 2 13342421110

200704158
1/15/02 WES
KWSW

Page 8 of 11

NO. 798 D02

Form 3 - Revised November 2000
DO NOT WRITE IN THIS SPACE

APPLICATION FOR EXAMINATION

RECEIVED

APR 2002

RETURN TO STATE OF ALABAMA
PERSONNEL DEPARTMENT
4 NORTH UNION STREET
P.O. BOX 304100
MONTGOMERY, ALABAMA 36130-4100
AN EQUAL OPPORTUNITY EMPLOYER

General Instructions

A separate application is required for each job. Do not write in shaded areas. Complete all parts of the application. Applications not properly completed will be rejected. Photocopies and facsimile applications will be rejected.

PERSONNEL DEPARTMENT
STATE OF ALABAMA

ENTER SOCIAL SECURITY NUMBER BELOW.

4 2 2 - 1 1 - 1 6 6 0

Examination For Which You Are Applying (one per application)

CIVIL ENGINEER

20480 438

Option (if applicable)

Full Name JEFFERY LORENZO HOLLINGSWORTH

Address 1582 John Wesley Way Apt. 21

House or Apartment Number

Middle

Last

HUNTSVILLE

AL

MADISON

45

35816

City

State

County

Zip Code

Telephone Number: Home (256) 726-0255

Area Code

Work (256) 837-0111

Area Code

The following information is required for governmental reporting or recordkeeping purposes:

Date of Birth 11/17/67

Sex (check one) 1. () Male 2. () Female

Race (check one) 1. () White 2. () Black 3. () Hispanic 4. () Asian or Pacific Islander 5. () American Indian or Alaskan Native 6. ()

Other

EDUCATION:

CIRCLE OR BRACKET THE HIGHEST GRADE OF SCHOOL COMPLETED.

High School Diploma or GED? () Yes () No

1 2 3 4 5 6 7 8 9 10 11 12 College 1 2 3 4

ED 13

LC

PROVIDE INFORMATION ON ALL SCHOOLS ATTENDED. SPECIFY UNDERGRADUATE OR GRADUATE WORK.

Name and Location of School

Name and Location of School	Dates of Attendance		Credit Hours	Did You Graduate?	Type of Degree and Date	Major
	Month/Year From	To				

PROFESSIONAL LICENSE OR CERTIFICATE

License/Certificate Issued By

Field/Trade/Specialization

License/Certificate No.

Issue Date

Expiration Date

LIST COURSES (AND HOURS) WHICH ARE PARTICULARLY RELATED TO THE POSITION (attach additional sheets, if needed).

CERTIFICATION STATEMENT

I certify that all statements on or attached to this application are true and correct to the best of my knowledge. I know that any false statements may cause me to be denied the chance for testing, to be removed from an employment register, or to be released from employment. I will not discuss the test I have taken. I further authorize the release of all relevant prior employment, military service, academic/school and criminal records. If employed I agree, consistent with applicable laws, to receive compensatory time off in lieu of overtime compensation for any overtime hours worked.

Signature

Jeffery Hollingsworth Date 4/15/02

During the application process, including testing and employment consideration, your name may be removed from an employment register for any disqualifying reason.

04/15/2002 12:19 DOTDIV 1 DIST 2 → 13342421110

NO. 798 003

SOCIAL SECURITY NUMBER: 422-11-1660

List three reliable persons, not relatives or present employer, who know you well enough to give information about you.

NAME	ADDRESS AND PHONE NUMBER	EMPLOYER

Should you need testing accommodations due to a health problem or disability, you must contact the State Personnel Department.

Have you ever been involuntarily terminated, discharged, forced or asked to resign from any job? () Yes No

If you answered Yes to the above question, attach an explanation on a separate sheet noting any mitigating or extenuating circumstances.

Have you ever been convicted of a misdemeanor or felony crime? () Yes No

If you answered Yes to the above question, list in the space below all prior misdemeanor and felony convictions and any extenuating or mitigating circumstances regarding such convictions. If necessary, you may use a separate sheet or sheets and attach to application.

NOTE: A CRIMINAL CONVICTION WILL NOT NECESSARILY BE A BAR TO CONSIDERATION FOR EMPLOYMENT, EXCEPT THAT A FELONY CONVICTION WILL BAR EMPLOYMENT IN A LAW ENFORCEMENT JOB; THE DISCLOSURE OF A MISDEMEANOR CONVICTION WILL NOT AUTOMATICALLY RESULT IN DISQUALIFICATION. CRIMINAL HISTORIES WILL BE SUBMITTED TO THE NATIONAL CRIME INFORMATION CENTER (NCIC) FOR VERIFICATION. FAILURE TO DISCLOSE A CONVICTION MAY BE CONSIDERED AS GROUNDS FOR DISQUALIFICATION. FOR THESE REASONS, APPLICANTS SHOULD BE CAREFUL TO DISCLOSE ALL CRIMINAL CONVICTIONS.

WORK HISTORY

THIS SECTION MUST BE COMPLETED REGARDLESS OF WHETHER OR NOT A RESUME' IS ATTACHED.

Begin with your PRESENT or most recent employment. List in REVERSE ORDER periods of employment. Each time you changed jobs or your title changed should be listed as a separate period. Describe in detail your duties. (Attach additional sheets if needed.)

1. Current or Last Employer <u>ALDOT</u>				Your Official Job Title <u>EEA</u>	
Address				Type of Business	
FROM Month 01	TO Year 89	Total Months PRESENT	Number of Hours Per Week	Beginning Salary \$ _____ Per _____	Ending Salary \$ _____ Per _____
Number/Title of Employees You Supervised On a Continuing Basis				Equipment You Operated	
Name, Title and Telephone Number of Supervisor				Reason for Leaving	
Describe Your Duties in Detail <u>AVAILABLE UPON REQUEST</u>					

04/15/2002 12:19 DOTDIV 1 DIST 2 → 13342421110

NO. 798 004

SOCIAL SECURITY NUMBER: 422-11-1660

1. Employer				Your Official Job Title		
Address				Type of Business		
FROM Month Year	TO Month Year	Total Months	Number of Hours Per Week	Beginning Salary \$ _____ Per _____	Ending Salary \$ _____ Per _____	May we contact your employer? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Number/Title of Employees You Supervised On a Continuing Basis				Equipment You Operated		
Name, Title and Telephone Number of Supervisor				Reason for Leaving		
Describe Your Duties in Detail						

2. Employer				Your Official Job Title		
Address				Type of Business		
FROM Month Year	TO Month Year	Total Months	Number of Hours Per Week	Beginning Salary \$ _____ Per _____	Ending Salary \$ _____ Per _____	May we contact your employer? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Number/Title of Employees You Supervised On a Continuing Basis				Equipment You Operated		
Name, Title and Telephone Number of Supervisor				Reason for Leaving		
Describe Your Duties in Detail						

3. Employer				Your Official Job Title		
Address				Type of Business		
FROM Month Year	TO Month Year	Total Months	Number of Hours Per Week	Beginning Salary \$ _____ Per _____	Ending Salary \$ _____ Per _____	May we contact your employer? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Number/Title of Employees You Supervised On a Continuing Basis				Equipment You Operated		
Name, Title and Telephone Number of Supervisor				Reason for Leaving		
Describe Your Duties in Detail						

5. USING THE ABOVE FORMAT, SHOW OTHER EXPERIENCE BY USING ADDITIONAL SHEETS.

04/15/2002 12:19 DOTDIV 1 DIST 2 13342421110

NO. 798 D05

SOCIAL SECURITY NUMBER: 422-11-1650

COMPLETE THIS SECTION IF YOU ARE CLAIMING VETERAN'S PREFERENCE

If you claim Veteran's Preference, check the type below. Attach copies (which will not be returned) of the required documents to your application to support your claim.

- 1 () Veteran (5 points) - Requires DD214 or document showing dates of service and type of discharge. If this has been submitted previously and is on file with this office, you may disregard this requirement.
- 2 () Disabled Veteran (10 points) - Requires DD214 or other document as above and letter of disability from V.A. dated within last 6 months. V.A. letter must be kept updated until register is established or you lose the extra 5 points.
- 3 () Deceased Veteran's spouse (10 points) - Requires DD214 or other document as above and marriage and death certificates. Cannot be claimed if spouse remarries.
- 4 () Disabled Veteran's spouse (10 points) - Requires DD214 or other document as above and V.A. letter of disability dated within last 6 months. Cannot be claimed unless still married to disabled veteran.
- 5 () Permanently Disabled Veteran (10 points) - Requires DD214 or other document as above indicating veteran is permanently disabled or DD214 or other document and V.A. letter indicating permanent disability.

COMPLETE THIS SECTION IN ORDER TO BE SCHEDULED FOR WRITTEN EXAMS

Written exams will be given in the places below for which a sufficient number of applicants express preference. Indicate by number your 1st, 2nd and 3rd choices.

1 () Alexander City	3 () Birmingham	5 () Dothan	7 () Linden	9 () Montgomery	12 () Tuscaloosa
2 () Andalusia	4 () Decatur	6 () Jacksonville	8 () Mobile	10 () Selma	

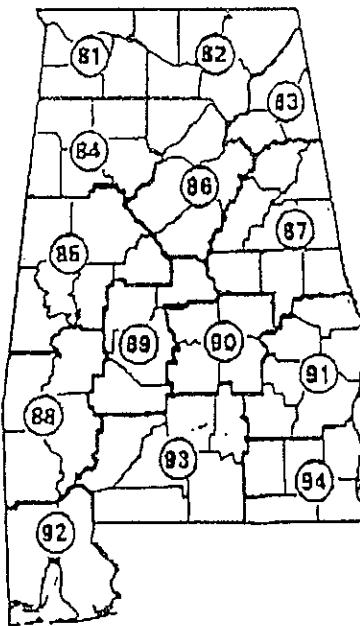
If you qualify, you will receive a notice showing the place and time you are to report for the exam.

Where did you learn of this job? (check all that apply)

1 () State Employment Service	5 () Friend/Relative	9 () Legislative Representative	13 () TV/Radio Commercial
2 () Job Announcement Notice	6 () Dept. News Bulletin	10 () State Recruiter/Counselor	14 () Other <u>A</u>
3 () Newspaper	7 () Rehabilitation Services	11 () State Personnel Dept. Information Board	
4 () College Placement/Career Office	8 () High School Counselor	12 () Outreach Program (i.e. Church)	

AVAILABILITY

81 - Northwest Alabama	84 - Jasper	87 - East Central Alabama
17 Colber	Winfield Area	08 Calhoun
30 Franklin	29 Fayette	09 Chambers
39 Lauderdale	38 Lamar	14 Clay
40 Lawrence	47 Marion	15 Cleburne
	64 Walker	19 Coosa
	67 Winston	56 Randolph
		61 Talladega
		62 Tallapoosa
82 - Huntsville/Decatur Area	85 - Tuscaloosa Area	88 - Southwest Alabama
36 Jackson	04 Bibb	12 Choctaw
42 Limestone	32 Greene	13 Clarke
45 Madison	33 Hale	46 Marengo
48 Marshall	54 Pickens	65 Washington
52 Morgan	60 Sumter	
	63 Tuscaloosa	
83 - Northeast Alabama	86 - Birmingham Area	89 - Selma/Clanton Area
10 Cherokee	05 Blount	11 Chilton
25 DeKalb	22 Cullman	24 Dallas
28 Etowah	37 Jefferson	53 Perry
	58 Shelby	66 Wilcox
	59 St. Clair	



90 - Montgomery Area	93 - South Central Alabama
01 Autauga	Alabama
26 Elmore	07 Butler
43 Lowndes	18 Conecuh
51 Montgomery	20 Covington
	21 Crenshaw
	27 Escambia
	50 Monroe

91 - Phenix City/Troy Area	94 - Dothan Area
03 Barbour	16 Coffee
06 Bullock	23 Dale
41 Lee	31 Geneva
44 Macon	34 Henry
55 Pike	35 Houston
57 Russell	
92 - Mobile Area	95 - Statewide
02 Baldwin	(You will be considered for vacancies throughout the state. Relocation may be necessary)
49 Mobile	

Please answer the following questions with care. List in the spaces provided those areas of the state in which you would accept employment. You will be considered for employment only in the locations you indicate. You may choose a combination of up to three counties and/or regions from the list above. If you list a region, you will be considered available for all counties in that region. The counties in each region are listed alphabetically below the region. You will not be considered for jobs involving overnight travel or shift work unless you so indicate.

List the numbers of up to 3 counties and/or regions where you are willing to work 82 90 86

If you want to be considered for appointment by only certain state agencies, indicate here DOT

Will you accept work involving overnight travel? Yes No

Will you accept part-time work? Yes No

Will you accept temporary work? Yes No

Which shifts are you willing to work? 1st shift 1st & 2nd only 2nd only 3rd only 1st and 2nd only 1st & 3rd only 2nd & 3rd only

Enter the earliest date you will be available to interview for employment. (Your name will not appear on a list of eligibles until this date.) 04 15 04
Month Day Year